

UNITED STATES DISTRICT COURT

for the

WESTERN

DISTRICT OF

OKLAHOMA

In the Matter of the Search of)

PROPERTY KNOWN AS:)

Deoxyribonucleic Acid (DNA))

IN THE POSSESSION OF:)

Johnny Allen Sapcut)

DOB: XX/XX/2003)

Case No: MJ-22-109-STE**APPLICATION FOR SEARCH WARRANT**

I, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person:

See Attachment A, which is attached and incorporated by reference.

Located in the Western District of Oklahoma, there is now concealed:

See Attachment B, which is attached and incorporated by reference.

The basis for the search under Fed. R. Crim.P.41(c) is:

- ☒ evidence of the crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. §§ 1111 & 1153

Offense Description

Murder in the first degree in Indian Country

The application is based on these facts:

See attached Affidavit of Special Agent Jesse M. Stoda, Federal Bureau of Investigation, which is incorporated by reference herein.

☒ Continued on the attached sheet(s).

☐ Delayed notice of _____ days (give exact ending date if more than 30 days) is requested under 18

U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).



Applicant's signature

Jesse M. Stoda, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence.

Date: **Feb 16, 2022**

City and State: Oklahoma City, Oklahoma



Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Jesse M. Stoda, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. This affidavit is in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the collection of deoxyribonucleic acid (DNA) from the person of JOHNNY SAPCUT (SAPCUT) via buccal swabs as evidence of a violation of Title 18, United States Code, §§ 1111 and 1153, Murder in the first degree in Indian country.

2. I have been employed as a Special Agent of the FBI since July of 2017, and have been assigned to the Oklahoma City Division of the FBI since August of 2021. I am currently assigned to the Lawton Resident Agency of the Oklahoma City Division. During the past 5 years, I have conducted a wide variety of investigations, including numerous violent crime investigations.

3. As a Special Agent, I am authorized to investigate violations of the laws of the United States, including violations of Title 18, United States Code, §§ 1111 and 1153, and to execute warrants issued under the authority of the United States.

4. Since this affidavit is being submitted for the limited purposes of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

BACKGROUND OF THE INVESTIGATION

5. On February 14, 2022, at approximately 11:39 p.m., Comanche Nation Police 911 Center received a distress call from a female at 1482 NW McIntosh Road, Elgin, Oklahoma 73538, (“subject premises”). The reporting party, later identified as S.T., could be heard repeatedly screaming, “Stop, Johnny!” and “Johnny, stop it!” A male voice can be heard briefly in the background. After approximately one minute, S.T.’s voice fades out.

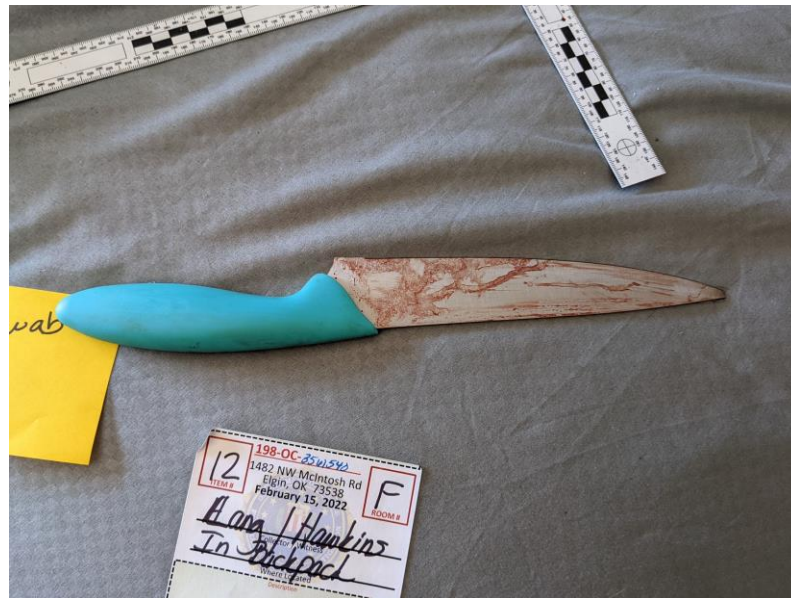
6. On February 15, 2022, responding officers to the subject premises from Comanche Nation Police Department were interviewed by the FBI. According to the officers, SAPCUT met responding officers at the front door when they arrived. He then returned inside the subject premises, at which time officers followed. While inside SAPCUT stated, “my grandma’s dead” and “the knife is in there.” Officers recalled SAPCUT was covered in blood while S.T. had suffered multiple lacerations and was unconscious. The officers provided medical care until paramedics arrived. S.T. was later pronounced dead by paramedics. According to the officers, S.T. and SAPCUT were the only persons who resided at subject premises.

7. On February 15, 2022, law enforcement interviewed SAPCUT at the Comanche County Sheriff’s Department located at 315 SW 5th Street, Lawton, Oklahoma 73501. Law enforcement read aloud the Advice of Rights (Miranda) while SAPCUT read along. At the conclusion, SAPCUT requested a lawyer and the interview was immediately terminated.

8. During booking, SAPCUT stated he lived at subject premises. Agents observed blood on SAPCUT’s hands and clothing as well as scratches on his body. Agents collected SAPCUT’s clothing and swabs of blood from his person.

9. Later, on February 15, 2022, FBI executed a search of the subject premises pursuant to federal search warrant MJ-22-104-STE issued by the Honorable Shon T. Erwin, U.S. Magistrate

Judge for the Western District of Oklahoma. During the search, among other items, agents seized a knife with suspected blood on the blade as depicted below:

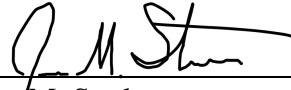


10. S.T. and SAPCUT are both enrolled tribal members of the Comanche Tribe, a federally-recognized tribe, and are Indians within the meaning of federal law. The subject premises is in the Western District of Oklahoma and within the boundaries of the family allotment of land held in trust by the Comanche Nation Tribe. As such, the subject premises is Indian country under Title 18 United States Code, Section 1151.

CONCLUSION

11. Based on the above information, there is probable cause to believe that SAPCUT was involved in a violation of Title 18, United States Code, §§ 1111 and 1153, Murder in the first degree in Indian country, and that the requested DNA sample constitutes evidence of that crime.

Therefore, I respectfully request that a search warrant be issued authorizing the examination of the person described in Attachment A to seek the items described in Attachment B.



Jesse M. Stoda
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 16th day of February, 2022.



SHON T. ERWIN
United States Magistrate Judge

ATTACHMENT “A”

Description of SAPCUT

Name: Johnny Allen Sapcut (photograph included below)

DOB: XX/XX/2003

Height: 5’5”

Eye Color: Brown

Home Address: 1482 NW McIntosh Road, Elgin, Oklahoma 73538



ATTACHMENT “B”

Particular Things to be Seized

The following materials, which constitute evidence of the commission of a criminal offense, namely violations of Title 18, United States Code, §§ 1111 and 1153:

1. The deoxyribonucleic acid (DNA) of JOHNNY SAPCUT via buccal swabs.